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VIA ECF

Honorable Taryn A. Merkl
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

RE: *Trooper 1 v. New York State Police et al.*, No. 22-cv-00893 (LDH) (TAM)

Dear Judge Merkl:

This firm represents Melissa DeRosa and Richard Azzopardi, defendants in the above captioned matter. I write to inform the Court of the current status of discovery with respect to Defendants DeRosa and Azzopardi, in compliance with the Court's order following the status conference held on September 26, 2023.

At the September 26 conference, the Court ordered the parties to meet and confer regarding the outstanding discovery disputes in this case, and to provide an update as to any resolution or narrowing of the parties' disputes. On September 29, shortly after the conference, Judge LaShann DeArcy Hall issued a text order on the docket granting our clients' motion to dismiss Trooper 1's claims of discrimination and retaliation against them and indicating that a memorandum and order would follow. After learning that our clients have been dismissed from this case, we put on hold efforts to enforce the subpoenas our clients had served on non-parties in this action. However, given the fact that the Court still has not yet issued an opinion and order explaining the basis for the dismissal and whether the dismissal is with prejudice, we have not withdrawn those subpoenas. In order to avoid any prejudice to our clients' case if Judge DeArcy Hall affords plaintiff the opportunity to further amend her complaint, we intend to continue to monitor the other parties' discovery and participate as necessary until we receive a formal opinion from the Court and clearer guidance as to our clients' position in this litigation.

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We thank the Court for its time and attention to this matter.

Respectfully submitted,

/s/ Catherine M. Foti
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